

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GEORGE E. BARTON,  
Plaintiff,  
v.  
GARY W. SEWELL, et al.,  
Defendants.

No. CV-06-109-FVS

## ORDER

GARY W. SEWELL, et al.,  
Defendants.

**THIS MATTER** having come before the Court based, in part, upon the plaintiff's motion for a default judgment; Now, therefore

**IT IS HEREBY ORDERED:**

1. The plaintiff's motion for a default judgment (**Ct. Rec. 18**) is denied. As the Court has explained previously, an order of default and a default judgment are two separate things. The plaintiff must obtain an order of default, Local Rule 55.1(a), before he may seek a default judgment, Local Rule 55.1(b).

2. The plaintiff shall obtain a copy of Local Rule 55.1 from the District Court Executive and read Local Rule 55.1 before he applies for an order of default.

3. Evidence must be submitted to the Court in the manner provided by the Federal Rules of Civil Procedure. The materials that the District Court Executive received from defendant Garton & Associates Realtors are not evidence and will not be considered by the Court as

either evidence or an answer.

4. Defendant Garton & Associates Realtors is reminded that it must promptly file an answer that satisfies the requirements of the Federal Rules of Civil Procedure.

5. Both the plaintiff and the defendants are strongly encouraged to retain counsel.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this order and furnish copies to Mr. Sewell and to Mr. Garton.

**DATED** this 10th day of September, 2007.

s/ Fred Van Sickle  
Fred Van Sickle  
United States District Judge